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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,526	03/10/2004	Troy Bourgeois	U03-0142-78	2525
54494 7590 02/04/2008 MOORE AND VAN ALLEN PLLC FOR SEMC P.O. BOX 13706 430 DAVIS DRIVE, SUITE 500 RESEARCH TRIANGLE PARK, NC 27709			EXAMINER DANIEL JR, WILLIE J	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 02/04/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/708,526

Applicant(s)

BOURGEOIS ET AL.

Examiner

Willie J. Daniel, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is in response to applicant's communication filed on 30 November 2007. **Claims 1-3** are now pending in the present application and claims 4-6 are withdrawn. This office action is made **Final**.

***Election/Restrictions***

2. This application contains claims 4-6 drawn to an invention nonelected with traverse in the reply filed on 30 November 2007. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Specification***

3. The objection applied to the disclosure is withdrawn, as the proposed correction is approved.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 3** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Claim 3** is drawn to a "...computer readable medium..." (descriptive material) *per se* and considered non-statutory subject matter.

- a. **Claim 3** recites the limitation "...medium with computer program instructions **stored therein** for storing..." in line(s) 1 of the claim. The Examiner suggests inserting language such as "--medium **encoded** (or **embodied**) with computer program instructions for storing--" which is an example. As indicated above, the suggestion for claim 3 is an example(s) and the Examiner **recommends that the applicant clarify the claim language as supported by the specification** (see [0023]).
- b. **Claim 3** recites the limitation "...medium..." in line(s) 2 of the claim. The instant application (see [0023]) maintains a description of ...*medium may be, for example...propagation medium....*

Regarding **claim 3**, the claim lacks a proper preamble necessary to establish a statutory computer program claim. For example, the claims failed to claim a computer-readable medium encoded (or embodied) with a computer program which defines structural and functional interrelationships between the computer program and the rest (i.e., other elements) of the computer which permit the computer program's functionality to be realized.

**The Examiner recommends that the applicant clarify the claim language as supported by the specification.**

See MPEP § 2106.01(I). [Data structures not claimed as **embodied in computer-readable media** are descriptive material per se and are not statutory because they are **not capable of causing functional change in the computer**. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures **do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention** which permit the data structure's functionality to be realized.]

5. Due to the 101 rejection of the current claim language, the Examiner has given a reasonable interpretation of said language and the claims are rejected as broadest and best interpreted. In addition, applicant is welcomed to point out where in the specification the Examiner can find support for this language if Applicant believes otherwise.
6. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 1-3** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- a. **Claims 1-3** include the limitation "...copying...call to a mailbox of the **mobile telephone devices...**" as recited in line(s) 11-13 of claim 1. The applicant is advised to review the subject matter of the specification (see [0015]), which at best describes copying into the mailbox of a **user** as presented for the network infrastructure solution.
- b. **Claims 1-3** include the limitation "...sending voice mail message to..." as recited in line(s) 11-13 of claim 1. The applicant is advised to review the subject matter of the specification (see [0015]; Fig. 2 "ref. 260"), which at best describes sending a **notification** of a voice mail message as presented for the network infrastructure solution.

Regarding **claims 1-3**, the claim(s) include(s) a limitation that is not supported by the instant application (or specification) as originally filed. The applicant failed to provide support (i.e., page(s), line(s), and drawing(s)) for the newly amended claim limitation.

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Applicant is advised to clearly and concisely provide claim language that is consistent and correlates to the specification and mindful not to improperly utilized language that is clearly not supported. The Examiner respectfully requests the applicant to provide page(s), line(s), and figure(s) of the instant application that supports the limitation of the claim(s) and/or any supportive comment(s) to help clarify and resolve this issue(s).

8. Due to the 112 rejection of the current claim language, the Examiner has given a reasonable interpretation of said language and the claims are rejected as broadest and best interpreted. In addition, applicant is welcomed to point out where in the specification the Examiner can find support for this language if Applicant believes otherwise.
9. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.



***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3** are rejected under 35 U.S.C. 102(e) as being anticipated by **Wolff et al.** (hereinafter Wolff) (US 2004/0121790 A1).

Regarding **claim 1**, Wolff discloses within the infrastructure of a communication system (100) which reads on the claimed “mobile telephone network”, a method of storing and forwarding the content of a conference call (see pg. 2, [0018-0019]; Fig. 1) comprising:

in response to a request by a group member, initiating a conference call on the mobile telephone network among a specified group of communication devices (106) which reads on the claimed “mobile telephone devices” (see pg. 2, [0023]);

recording the conference call within the network infrastructure of the mobile telephone network used to broadcast the conference call (see pg. 2, [0018-0019]; pg. 5, [0047]; Fig. 3);

storing the conference call on a memory subsystem (208) which reads on the claimed “storage medium” within the network infrastructure used to broadcast the conference call (see pg. 2, [0018-0019]; pg. 4, [0039]; pg. 5, [0047]; Fig. 3);

determining which mobile telephone devices (106) did not participate in the conference call (see pg. 7, [0071]);



transferring the recorded conference call to a voicemail server (e.g., AIRS) (see pg. 3, [0028-0030]; pg. 7-8, [0072]), where the system records and stores audio files for retrieval and

copying the recorded conference call to a mailbox of the mobile telephone devices that did not participate in the conference call (see pgs. 3-4, [0034]; pg. 7-8, [0072]), where the member can be prompted to retrieve the conversation, access conversations via a member account on a web page, and/or the conversation can be sent via an email attachment to a member mailbox (or inbox); and

composing and sending a voice mail message to the mobile telephone devices (106) that did not participate in the conference call, the mobile telephone devices being able to listen to the recorded conference call in their associated mailbox at anytime (see pg. 7-8, [0072-0073]), where a prompt is provided for missed conversations.

Regarding **claim 2**, Wolff discloses within the infrastructure of a mobile telephone network (100), a system for storing and forwarding the content of a conference call (see pg. 2, [0018-0019]; Fig. 1) comprising:

in response to a request by a group member, means for initiating a conference call on the mobile telephone network among a specified group of mobile telephone devices (106) (see pg. 2, [0023]);

means for recording the conference call within the network infrastructure of the mobile telephone network used to broadcast the conference call (see pg. 2, [0018-0019]; pg. 5, [0047]; Fig. 3);

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means for storing the conference call on a storage medium within the network infrastructure used to broadcast the conference call (see pg. 2, [0018-0019]; pg. 4, [0039]; pg. 5, [0047]; Fig. 3);

means for determining which mobile telephone devices (106) did not participate in the conference call (see pg. 7, [0071]);

means for transferring the recorded conference call to a voicemail server (e.g., AIRS) (see pg. 3, [0028-0030]; pg. 7-8, [0072]), where the system records and stores audio files for retrieval and

copying the recorded conference call to a mailbox of the mobile telephone devices that did not participate in the conference call (see pgs. 3-4, [0034]; pg. 7-8, [0072]), where the member can be prompted to retrieve the conversation, access conversations via a member account on a web page, and/or the conversation can be sent via an email attachment to a member mailbox (or inbox); and

means for composing and sending a voice mail message to the mobile telephone devices (106) that did not participate in the conference call, the mobile telephone devices being able to listen to the recorded conference call in their associated mailbox at anytime (see pg. 7-8, [0072-0073]), where a prompt is provided for missed conversations.

Regarding **claim 3**, Wolff discloses within the infrastructure of a mobile telephone network (100), a computer readable medium with computer program instructions stored therein for storing and forwarding the content of a conference call, the computer program instructions when executed causing a processing device to perform (see pg. 2, [0018-0019]; Fig. 1):

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in response to a request by a group member, initiating a conference call on the mobile telephone network among a specified group of mobile telephone devices (106) (see pg. 2, [0023]);

recording the conference call within the network infrastructure of the mobile telephone network used to broadcast the conference call (see pg. 2, [0018-0019]; pg. 5, [0047]; Fig. 3);

storing the conference call on a storage medium within the network infrastructure used to broadcast the conference call (see pg. 2, [0018-0019]; pg. 4, [0039]; pg. 5, [0047]; Fig. 3);

determining which mobile telephone devices (106) did not participate in the conference call (see pg. 7, [0071]);

transferring the recorded conference call to a voicemail server (e.g., AIRS) (see pg. 3, [0028-0030]; pg. 7-8, [0072]), where the system records and stores audio files for retrieval and

copying the recorded conference call to a mailbox of the mobile telephone devices that did not participate in the conference call (see pgs. 3-4, [0034]; pg. 7-8, [0072]), where the member can be prompted to retrieve the conversation, access conversations via a member account on a web page, and/or the conversation can be sent via an email attachment to a member mailbox (or inbox); and

composing and sending a voice mail message to the mobile telephone devices (106) that did not participate in the conference call, the mobile telephone devices being able to listen to the recorded conference call in their associated mailbox at anytime (see pg. 7-8, [0072-0073]), where a prompt is provided for missed conversations.

*Response to Arguments*

11. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations and comments in this section).

*Conclusion*

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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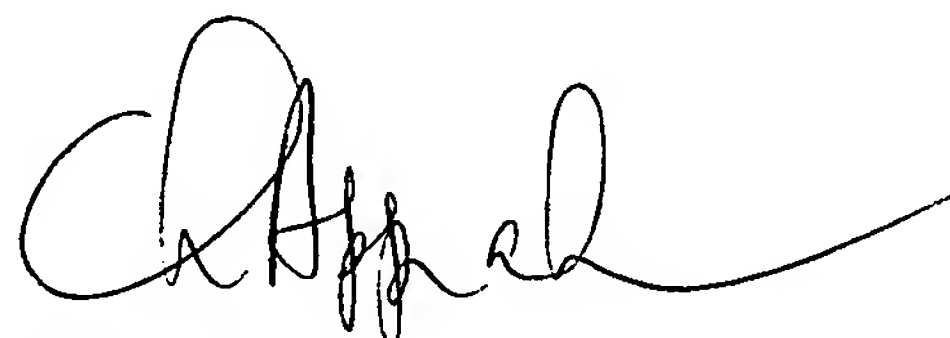
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,JR/

WJD,JR  
30 January 2008



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SUPERVISORY PATENT EXAMINER